

811 KAR 1:215. Kentucky Standardbred Development Fund and Kentucky Standardbred Breeders' Incentive Fund.

RELATES TO: KRS 230.215, 230.260, 230.770, 230.802, 230.990

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8), 230.770(1), (6), (7), 230.802(2)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations prescribing the conditions under which horse racing shall be conducted in Kentucky. KRS 230.770(1) establishes the Kentucky standardbred development fund. KRS 230.770(6) and (7) authorize the commission to promulgate administrative regulations establishing the eligibility of horses participating in races for which a portion of the purse is provided by the Kentucky Standardbred Development Fund and the conditions, class, and quality of the races. KRS 230.802(1) establishes the Kentucky standardbred breeders' incentive fund. KRS 230.802(2)(b) requires the commission to promulgate administrative regulations establishing the conditions and criteria for the distribution of moneys from the fund. This administrative regulation establishes eligibility standards, administrative practices to enforce the standards, criteria for the distribution of moneys from these funds, mandatory criteria for races, and the administration of purses and payments in these races.

Section 1. Definitions. (1) "Commission" means the Kentucky Horse Racing Commission.

(2) "Consolation" means the race following a series of preliminary legs for the next preferred horses, as set forth in section 8 of this administrative regulation, which did not qualify for the finals of each racing division of the Kentucky Sire Stakes program.

(3) "Final" means the race following a series of preliminary legs established to determine the divisional champion of each racing division of the Sire Stakes Program.

(4) "Kentucky-bred" means, for the purposes of this administrative regulation, a standardbred horse that is:

(a) Foaled out of a standardbred mare that is registered with the commission and is a resident of Kentucky as provided in this administrative regulation; or

(b) Sired by a standardbred stallion that meets the requirements of this administrative regulation.

(5) "Kentucky Sire Stakes" means the series of races held annually in Kentucky for two (2) and three (3) year old Kentucky-bred fillies and colts, both trotting and pacing, and funded in whole or in part by the Kentucky Standardbred Development Fund or the Kentucky Standardbred Breeders' Incentive Fund.

(6) "Kentucky Standardbred Breeders' Incentive Fund" or "KSBIF" means the trust and revolving fund as established in KRS 230.802.

(7) "Kentucky Standardbred Development Fund" or "KSDF" means the trust and revolving fund as established in KRS 230.770.

(8) "Stallion residing in Kentucky" means a stallion physically located and standing in Kentucky for 180 days of the calendar year in which the stallion is registered that does not service mares in any other state, jurisdiction, or country outside of Kentucky during the calendar year in which the stallion is registered.

(9) "USTA" means the United States Trotting Association.

Section 2. Domicile Requirements. (1) An owner, lessee, stallion manager, or syndicate manager of a standardbred stallion residing in Kentucky who desires to use the stallion for breeding purposes and to have his progeny eligible for the KSDF or KSBIF shall register the stallion with the commission by December 31st of the year of conception of the horse sought to

be eligible. Standardbred stallions not residing in Kentucky are not required to register with the commission.

(2) All standardbred stallions shall be registered with the USTA, Standardbred Canada, or other appropriate international harness racing governing agency whether residing in Kentucky or not.

(3) A standardbred stallion shall be registered by completion and submission of the KSDF/KSBIF Stallion Certificate of Eligibility Form, KHRC 215-2.

(4) An owner, lessee, manager, or syndicate manager of a standardbred mare who desires to use the mare for breeding purposes and to have her progeny eligible for the KSDF or KSBIF shall register the mare by December 31st of the year of conception of the horse sought to be eligible.

(a) In order to be eligible for registration, the mare shall be registered with the USTA, Standardbred Canada, or other appropriate international harness racing governing agency and shall have resided in Kentucky for a period of not less than 180 days in the calendar year of conception of the horse sought to be eligible. If a horse is conceived by embryo ovum transplant (ET), both the donor mare and recipient mare shall be registered during the year of conception, and the recipient mare shall reside in Kentucky for a period of not less than 180 days in the calendar year of conception of the horse sought to be eligible.

(b) The mare shall be registered on the KSDF/KSBIF Mare Certificate of Eligibility Form, KHRC 215-3.

(c) A standardbred mare that satisfies the provisions of this section shall be considered a registered mare for purposes of this administrative regulation.

(5) Registrations shall be received by the commission by the close of business or postmarked on the deadline established in this section in order to be eligible.

(6) An owner, lessee, stallion manager, manager, or syndicate manager of a stallion or mare eligible for the KSDF and KSBIF shall be responsible for:

(a) The registrations and records of the farm where the stallion stands or the mare resides; and

(b) Complying with all applicable requirements of this administrative regulation.

Section 3. Eligibility. (1) In order to qualify for the Kentucky Sire Stakes, a foal shall be a two (2) or three (3) year old Kentucky-bred and maintain eligibility for the KSDF and KSBIF.

(2)(a) Except as provided by paragraph (b) of this subsection, only a foal that is the first born to a mare (donor or recipient) in each calendar year produced by any method, including embryo ovum transplant (ET), shall be eligible for harness racing in Kentucky.

(b) Natural birth twins produced from the same pregnancy and foaling by the natural, nonrecipient mare shall also be eligible.

(3) Any future offspring of foals ineligible for racing under this section shall be ineligible for harness racing in Kentucky.

Section 4. Disputes. (1) If the commission determines that a registration is incorrect, or an application for registration, renewal of registration, or transfer of a registered stallion or mare contains false or misleading information, or that an owner, lessee, stallion manager, manager, or syndicate manager of a registered stallion or registered mare has failed to furnish information relating to the registration or renewal of a stallion or mare, the commission shall:

(a) Temporarily suspend or deny the registration of the stallion or mare; and

(b) Summon the person who committed a violation listed in this subsection, and any person who has knowledge relating to the violation, to appear before the commission at a hearing pursuant to 811 KAR 1:105.

- (2) After the hearing, the commission shall determine whether the violation was willful.
- (a) If the commission finds the violation was willful, the commission shall do one (1) or more of the following:
1. Deny the registration;
 2. Suspend the registration;
 3. Revoke the registration; or
 4. Bar the owner, lessee, stallion manager, manager, or syndicate manager who willfully committed the violation from further registering stallions or mares to the KSDF and KSBIF.
- (b) If the commission finds the violation was not willful, the commission shall rescind the temporary denial, suspension, or revocation of the registration.
- (3) If a person summoned by the commission fails to respond to the summons, the commission:
- (a) Shall suspend or deny the registration;
 - (b) Shall notify the person in writing of the action taken by the commission; and
 - (c) May bar the owner, lessee, stallion manager, manager, or syndicate manager who committed the violation from further registering stallions or mares to the KSDF and KSBIF, based on the degree of seriousness of the violation.

Section 5. Rules of Racing. Kentucky Sire Stakes races in which any part of the purse is provided by the KSDF or KSBIF, the requirements for which races are established in Sections 6 through 24 of this administrative regulation, shall be subject to 811 KAR Chapter 1.

Section 6. Distance. Each race shall be a one (1) mile dash.

Section 7. Post Positions. Post positions for the final, consolation and all preliminary legs shall be an open draw with two (2) horses drawn for the final and consolation races that are designated as "also eligibles" under Section 8(6) of this administrative regulation.

Section 8. Eligibility for the Final and Consolation Races. Beginning with the 2018 Kentucky Sire Stakes races, consolation races may be eligible for funding.

(1) A horse that does not start in at least one (1) of the preliminary legs scheduled shall not be eligible for the final or consolation.

(a) All horses earning points may enter in the final with the top eight (8) point earners, if the horses raced on a half mile track or five-eighths (5/8) mile track or top ten (10) point earners if the horses raced on a one (1) mile track, who are declared eligible.

(b) On a half mile track or five-eighths (5/8) mile track, the top eight (8) point earners are not eligible for the consolation. On a one (1) mile track, the top ten (10) point earners are not eligible for the consolation.

(c) A horse that is eligible to race in the final shall only be eligible to race in the final, unless the horse is qualified as an also eligible.

(d) A horse that is eligible to race in the consolation shall only be eligible to race in the consolation, unless qualified in the final as an also eligible.

(e) A horse that scratches from the final shall not race in the consolation.

(f) A horse that has qualified for the final or consolation, shall remain eligible for the final or consolation.

(g) At least seven (7) eligible horses shall be declared for a consolation race to be contested.

(h) A horse that is automatically eligible to race in the final race shall not start in the consolation race.

(2) A horse that enters a preliminary leg that does not fill and is not raced shall receive credit toward fulfilling the minimum starting requirements set forth in subsection (1) of this section and toward determining tiebreaker status as set forth in subsection (5)(b) of this section.

(3) A horse that has been scratched from an event that is raced shall not receive credit toward meeting the starting requirements set forth in subsection (1) of this section.

(4) A horse, in order to start in the final or consolation, shall be declared at the host track where the race is being held on or before the time posted on the track condition sheet.

(5)(a) If the number of horses eligible and declared into any final or consolation event exceeds the maximum number specified by the KSDF or KSBIF or the number of positions on the starting gate, the following point system as applied to KSDF preliminary legs shall determine preference for the final:

1. 1st place - fifty (50) points;
2. 2nd place - twenty-five (25) points;
3. 3rd place - twelve (12) points;
4. 4th place - eight (8) points;
5. 5th place - five (5) points;
6. 6th place and all other starters - one (1) point; and

7. A horse finishing in a dead heat for any position in a preliminary leg shall be awarded an equal share of the total number of points awarded for that position.

(b) If there is a tie among horses after the awarding of points pursuant to paragraph (a) of this subsection, there shall be a drawing by lot among those horses tied in total points to determine which horses shall be included in the final field.

(c) If a horse that is qualified for the final or consolation is not declared, the horse with the next highest point total, pursuant to paragraph (a) of this subsection, that is declared shall be eligible for the final or consolation.

(6) Also eligibles.

(a) The two (2) horses accumulating the highest point total, pursuant to subsection (5) of this section, that are declared into the final or consolation, but do not qualify for the final or consolation, shall be designated "also eligible". The horse with the highest point total from the preliminary legs shall be designated as the "first also eligible" and the horse with the next highest point total shall be designated as the "second also eligible".

(b) A horse that is scratched in the final or consolation shall be replaced by the "first also eligible" and then the "second also eligible", if necessary.

1. If post positions have not been drawn at the time of the scratch, the "also eligible" shall take the place of the horse that has been scratched and shall participate in the normal draw.

2. If post positions have been drawn at the time of the scratch, the "also eligible" shall assume the post position of the horse that has been scratched.

3. A horse shall not be moved into the final or consolation as a replacement after the official scratch time deadline that is in effect at the host track.

Section 9. Final Order of Finish. The judges' "official order of finish" shall be used in determining eligibility to the final exclusive of all appeals yet to be decided at the time of closing of the entry box for final events.

Section 10. Detention. All starters shall be subject to the detention policy of the racetrack.

Section 11. Number of Starters. (1) There shall not be more than:

- (a) Ten (10) starters in each final race on a one (1) mile track; and
- (b) Eight (8) horses on a half or five-eighths (5/8) mile track.

(2) All horses shall be on the gate for the final race.

Section 12. Declaration Fees. (1) For each horse declared to race in a preliminary leg, there shall be a declaration fee of \$500. If a preliminary leg splits into two (2) or more divisions, the declaration fee shall be \$500 per division. For each horse declared to race in the final or consolation, there shall be a declaration fee of one (1) percent of the total purse.

(2) The declaration fee shall be due to the racing association at the time of declaration and payable one (1) hour prior to post time of the race.

(3) Purses for the KSDF and KSBIF shall consist of money from:

- (a) Nominating fees;
- (b) Sustaining fees;
- (c) Declaration fees; and
- (d) Added money from the Commonwealth of Kentucky.

(4)(a) Distribution of revenue for Kentucky Sire Stakes races shall be reviewed and addressed annually, not later than December 15 of each calendar year, by an advisory panel appointed by the Chairman of the commission and consisting of one (1) representative from each of the following:

- 1. The commission, who shall serve as the chairman of the panel;
- 2. The Kentucky Harness Horseman's Association;
- 3. The host racetrack;

4. The commission recognized Standardbred Breeders Association organized in Kentucky; and

5. A participant in the fund that is nominated by the chairman of the commission from a group of up to four (4) nominees recommended by each of the above four (4) members having one (1) nomination each.

(b) Each member of the panel shall serve from July 1 through June 30 of the following year and shall be a resident of Kentucky.

(c) The final determination regarding distribution of revenue shall be made by the commission.

Section 13. Divisions of Preliminary Legs. (1) The total number of horses entered shall determine the number of divisions of the preliminary legs that shall be required.

(2) Preliminary legs shall be split into divisions as follows:

(a) One (1) mile track:

- 1. Twelve (12) horses or less entered - one (1) division race.
- 2. Thirteen (13) to twenty (20) horses entered - two (2) divisions.
- 3. Twenty-one (21) to thirty (30) horses entered - three (3) divisions.
- 4. Thirty-one (31) to forty (40) horses entered - four (4) divisions.
- 5. Forty-one (41) to fifty (50) horses entered - five (5) divisions.
- 6. Fifty-one (51) to sixty (60) horses entered - six (6) divisions.

(b) One-half (1/2) and five-eighths (5/8) mile track:

- 1. Nine (9) to ten (10) horses entered - one (1) division.
- 2. Eleven (11) to sixteen (16) horses entered - two (2) divisions.
- 3. Seventeen (17) to twenty-four (24) horses entered - three (3) divisions.
- 4. Twenty-five (25) to thirty-two (32) horses entered - four (4) divisions.
- 5. Thirty-three (33) to forty (40) horses entered - five (5) divisions.
- 6. Forty-one (41) to forty-eight (48) horses entered - six (6) divisions.

(c) If the need exists for seven (7) or more divisions, eligibility to the final shall be determined in a manner consistent with the published conditions.

Section 14. Gait. (1) Gait shall be specified by the owner of the horse on or before the first two (2) year old payment.

(2) Change of gait:

(a) May be made at the time of declaration at the track; and

(b) Sustaining payments shall remain in the funds of the original gait specified.

(3) A horse shall not race on both gaits in the same year.

Section 15. Divisions. A race shall be raced in separate divisions as follows:

(1) Colt, gelding, ridgeling divisions; and

(2) Filly divisions.

Section 16. Purse Distributions. (1) The purses awarded for all races shall be distributed on the following percentage basis:

(a) Five (5) starters – fifty (50) percent, twenty-five (25) percent, twelve (12) percent, eight (8) percent, and five (5) percent;

(b) Four (4) starters – fifty (50) percent, twenty-five (25) percent, twelve (12) percent, eight (8) percent, and the remaining five (5) percent reverts back to the fund;

(c) Three (3) starters – fifty (50) percent, twenty-five (25) percent, twelve (12) percent, and the remaining thirteen (13) percent reverts back to the fund;

(d) Two (2) starters – fifty (50) percent, and twenty-five (25) percent, and the remaining twenty-five (25) percent reverts back to the fund; and

(e) One (1) starter – fifty (50) percent, and the remaining fifty (50) percent reverts back to the fund.

(2) The percentage basis established by subsection (1) of this section shall apply at each of the Kentucky pari-mutuel tracks.

(3) In addition to the purses set forth in subsection (1) of this section, \$25,000 shall be awarded in each division of the finals to the owner of the stallion or stallions residing in Kentucky that sired the first, second, or third place finisher, as follows:

(a) First place: \$15,000;

(b) Second place: \$7,500; and

(c) Third place: \$2,500.

Section 17. Cancellations. (1) If circumstances prevent the racing of an event, and the race is not drawn, all funds that have been allocated to the division in each of the preliminary legs or the final shall be refunded and pro-rated to the owners of the horses eligible at the time of cancellation.

(2) The eligible horses shall include only horses that made the payments required by Section 22 of this administrative regulation.

(3) The added monies provided by the Commonwealth of Kentucky for use in the KSDF and KSBIF shall be disbursed by December 15 of each calendar year in accordance with the formula created by the panel as set out in Section 12(4) of this administrative regulation.

Section 18. Qualifying. (1) Any horse declared into a Kentucky Sire Stakes race shall:

(a) Show at least one (1) charted race line with no breaks within forty-five (45) days prior to the day of the race; and

(b) Have satisfied the following time requirements:

1. On a track larger than five-eighths (5/8) of a mile:

a. A two (2) year old trotter shall have been timed in 2:06 or faster;

- b. A two (2) year old pacer shall have been timed in 2:04 or faster;
- c. A three (3) year old trotter shall have been timed in 2:02 or faster; and
- d. A three (3) year old pacer shall have been timed in 2:00 or faster.

2. On a five-eighths (5/8) mile track:

- a. A two (2) year old trotter shall have been timed in 2:07 or faster;
- b. A two (2) year old pacer shall have been timed in 2:05 or faster;
- c. A three (3) year old trotter shall have been timed in 2:03 or faster; and
- d. A three (3) year old pacer shall have been timed in 2:01 or faster.

3. On a half mile track:

- a. A two (2) year old trotter shall have been timed in 2:08 or faster;
- b. A two (2) year old pacer shall have been timed in 2:06 or faster;
- c. A three (3) year old trotter shall have been timed in 2:04 or faster; and
- d. A three (3) year old pacer shall have been timed in 2:02 or faster.

(2) A horse shall be scratched from a race if the person declaring the horse has failed to advise the race secretary of a start that is not reflected on the electronic eligibilities.

(3) The requirements of this section shall apply both to wagering and nonwagering races.

Section 19. Purse Allocations. (1) At a scheduled meeting of the commission, the commission shall:

- (a) Establish the distribution of funds for stakes races for the upcoming year; and
- (b) Authorize expenditures at a time it designates.

(2) The racing dates for KSDF and KSBIF stakes shall be issued after the track has established its race dates.

Section 20. Promotions. The KSDF or KSBIF shall provide a trophy for each event, and the program that provides the trophy shall purchase the trophy out of its fund.

Section 21. Nomination Fees. (1) After payment of the nomination fee, foals shall remain eligible for events each year by making the required sustaining and declaration payments for that year. The KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination Form, KHRC 215-1 shall be filed with the commission along with the nomination and sustaining fees.

(2) The two (2) year old March 15 payment shall be made in order to remain eligible to the KSDF and KSBIF as a three (3) year old.

(3). Nomination and sustaining payments shall be made to the KSDF and KSBIF in U.S. funds by a money order or a check drawn on a U.S. bank account.

Section 22. Nomination Schedule. (1) Yearlings shall be nominated by May 15 of their yearling year, except as provided in subsection (4) of this section.

(2) For yearlings sired by a standardbred stallion residing in Kentucky and registered with the KSDF and KSBIF, the nomination fee shall be forty (40) dollars per yearling. For yearlings sired by a standardbred stallion not residing in Kentucky, the nomination fee shall be eighty (80) dollars per yearling.

(3) Nominated horses shall be registered with the USTA, Standardbred Canada, or other appropriate international harness racing governing agency and shall be properly identified to the satisfaction of the commission at the time of the nomination. Identification shall be determined by the official registration maintained by the USTA, Standardbred Canada, or other appropriate international harness racing governing agency.

(4) If a horse is not nominated during its yearling year, the horse may be nominated prior to March 15 of its two (2) year old year if:

(a) For horses sired by a standardbred stallion residing in Kentucky and registered with the KSDF and KSBIF, a nomination fee of \$500 is made by March 15 of the horse's two (2) year old year, along with the sustaining payment required by subsection (5)(a) of this section; or

(b) For horses sired by a standardbred stallion not residing in Kentucky, a nomination fee of \$600 is made by March 15 of the horse's two (2) year old year, along with the sustaining payment required by subsection (5)(a) of this section.

(5) Sustaining payments shall be as follows:

| (a) TWO (2) YEAR OLD PAYMENTS | |
|---|-------|
| March 15 | \$300 |
| April 15 | \$300 |
| May 15 | \$300 |
| March 15 payment shall be mandatory to make entry eligible as a three (3) year old. | |

| (b) THREE (3) YEAR OLD PAYMENTS | |
|---------------------------------|-------|
| February 15 | \$300 |
| March 15 | \$300 |
| April 15 | \$300 |

Section 23. Early Closing Events. The commission, during any given year, may provide for separate early closing events for Kentucky-bred horses.

Section 24. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination Form", KHRC 215-1, 12/16;

(b) "KSDF/KSBIF Stallion Certificate of Eligibility Form", KHRC 215-2, 12/16; and

(c) "KSDF/KSBIF Mare Certificate of Eligibility Form", KHRC 215-3, 12/17.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the KHRC Web site at <http://khrc.ky.gov>. (11 Ky.R. 1233; eff. 3-12-1985; Am. 12 Ky.R. 1767; eff. 6-10-1986; 14 Ky.R. 630; eff. 11-6-1987; 15 Ky.R. 1571; 1-13-1989; 19 Ky.R. 293; 728; eff. 9-1-1992; 23 Ky.R. 3116; 3774; eff. 5-19-1997; 24 Ky.R. 2456; eff. 10-12-1998; 28 Ky.R. 485; 885; eff. 10-12-2001; 2265; 2583; eff. 6-14-2002; 29 Ky.R. 2371; 2700; eff. 5-15-2003; 31 Ky.R. 2031; 32 Ky.R. 505; eff. 10-7-2005; 33 Ky.R. 984; 1814; eff. 2-2-2007; 35 Ky.R. 2165; eff. 6-5-2009; 40 Ky.R. 709; 1069; eff. 12-6-2013; 43 Ky.R. 1294; eff. 3-31-2017 – Amd 44 Ky.R. 1705, 2019; eff. 4-6-2018.)